

Application No. 10/693,613
Amendment A dated February 27, 2006
Reply to Office Action mailed September 26, 2005

some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

In the Office Action, claim 10 was objected to as being unclear; claims 1-4 and 10-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,529,325 to Kokkelink et al. ("Kokkelink"); claims 11, 14, 15, 20-26, and 32-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kokkelink; claims 5-7, 9, 16, 17, 19, 23, 27-29, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kokkelink in view of U.S. Patent No. 6,782,146 to Hellman et al. ("Hellman"); claims 8, 18, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kokkelink in view Hellman and further in view of U.S. Patent No. 6,292,604 to Cheng.

Claim Objection

Applicants respectfully traverse the objection to claim 10 for at least the reason that the claim language is clear and represents at least one embodiment described in the specification and/or drawings. As the Examiner knows, claims must be given the "broadest reasonable interpretation." M.P.E.P. §2111. In this case, the Office Action seems to be attempting to limit the term "optically coupled" to apply only to immediately adjacent optical bodies. Applicants disagree with this characterization and apparent interpretation of the claim language as inappropriately limiting. Applicants submit that claim 10 is clear and would be understood by one of ordinary skill in the art to teach at least one embodiment described in the specification and/or drawings, and request that the objection be withdrawn.

Rejection Under 35 U.S.C. §102(e)

Applicants respectfully traverse the rejection of claims 1-4 and 10-13 under 35 U.S.C. § 102(e) as being anticipated by Kokkelink because Kokkelink fails to disclose or suggest at least "wherein changing an angular orientation of said polarization axis relative to an optical axis of said at least one optical component changes a coupling ratio," as recited in claim 1. The Office Action alleges that Kokkelink discloses "adjusting the angle between the input and output beams

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by rotating wedges to reduce insertion loss and this inherently changes a coupling ratio.” Office Action at 3. Applicants disagree with this unsupported allegation, maintaining that any such adjustment to the wedges results in “high excess insertion loss for the whole system,” as taught in the specification at ¶ [022]. Such “broad conclusory statements standing alone are not ‘evidence.’” *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000). The Office Action fails to describe, or point to any description in any piece of art that describes, how changing the angle of the wedges of Kokkelink changes the coupling ratio, inherently or otherwise.

Because Kokkelink does not disclose or suggest each and every claim limitation, claim 1 is in condition for allowance. Claims 2-4 and 10-13 each depend from independent claim 1 and are allowable at least for their dependence on an allowable independent claim. Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) be withdrawn.

Rejections Under 35 U.S.C. § 103

Applicants respectfully traverse the rejection of claims 11, 14, 15, 20-26, and 32-36 under 35 U.S.C. § 103(a) as being unpatentable over Kokkelink because Kokkelink fails to disclose or suggest all of the claim limitations as discussed above with respect to independent claim 1. Kokkelink also fails to disclose or suggest at least “wherein rotation of said input polarization maintaining fiber with respect to said at least one optical component changes a coupling ratio,” as recited in claim 15 and “rotating said input polarization maintaining optical fiber with respect to said optical component to change said coupling ratio,” as recited in claim 24. The Office Action seems to attempt to build on the unsupported allegation of inherent anticipation as applied to claim 1 by suggesting that “[s]ince Kokkelink et al. teach adjusting the angle between the fiber and second output beam[s] for loss insertion by rotating the wedges, adjusting the input fiber . . . would also have been obvious to one of ordinary skill in the art . . . for optimum coupling efficiency.” Office Action at 3. The attempt by the Office Action to rely on an alleged disclosure by Kokkelink simply fails to address at least the limitation of “coupling ratio,” as well as apparently relying on the previous unsupported conclusory statement as applied to claim 1.

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Because Kokkeliink does not disclose or suggest each and every claim limitation, independent claims 1, 15 and 24 are in condition for allowance. Claims 11, 14, 20-23, 25, 26, and 32-36 are allowable at least for their dependence on an allowable independent claim. Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully traverse the rejection of claims 5-7, 9, 16, 17, 19, 23, 27-29, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Kokkeliink in view of Hellman at least for the reason that neither reference discloses or suggests each and every claim limitation. As discussed above, Kokkeliink fails to disclose or suggest at least one element from each of independent claims 1, 15 and 24. Hellman does not correct the deficiency and is not cited as such.

Because Kokkeliink and Hellman do not disclose or suggest each and every claim limitation, independent claims 1, 15 and 24 are in condition for allowance. Claims 5-7, 9, 16, 17, 19, 23, 27-29, and 31 are allowable at least for their dependence on an allowable independent claim. Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully traverse the rejection of claims 8, 18, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Kokkeliink and Hellman and further in view of Cheng. As discussed above, Kokkeliink and Hellman fail to disclose or suggest at least one element from each of independent claims 1, 15 and 24. Cheng does not correct the deficiency and is not cited as such.

Because Kokkeliink, Hellman, and Cheng do not disclose or suggest each and every claim limitation, independent claims 1, 15 and 24 are in condition for allowance. Claims 8, 18, and 30 are allowable at least for their dependence on an allowable independent claim. Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.


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CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned if the Examiner believes that a telephone interview or Examiner's amendment will further the prosecution of this application.

Respectfully submitted,
WORKMAN NYDEGGER

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